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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,184	01/13/2004	Eero Kaappa	037145-0301	2077
30542 7590 04/07/2008 FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278				
EXAMINER				
BAROT, BHARAT				
ART UNIT		PAPER NUMBER		
2155				
MAIL DATE		DELIVERY MODE		
04/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/756,184

Applicant(s)

KAAPPA, EERO

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. Claims 1-21 remain for further examination.

The new grounds of rejection

2. Applicant's arguments with respect to claims 1-21 filed on January 07, 2008 have been fully considered but they are not deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 18 is rejected under 35 U.S.C. 101 because the claimed invention of the claim 18 is directed to non-statutory subject matter. Claim 18 recited "A computer program product comprising: computer code.....," which is non-statutory as not being executable in/by a computer/processor.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Champagne et al (U.S. Patent No. 7,188,160). Champagne's patent meets all the limitations for claims 1-21 recited in the claimed invention.

7. As to claim 1, Champagne et al teach a method for client provisioning using an application characteristics template with flag functionality (see abstract and summary of the invention), comprising: receiving a provisioning content document from a wireless communication network, the provisioning content document comprising configuration information for a device; parsing the provisioning content document including a plurality of characteristics; and identifying a flag parameter in an application characteristic of the plurality of characteristics in the provisioning content document, wherein the flag parameter indicates whether parameters should be set in the configuration of the device (figures 1 and 3; column 2 lines 25-54; column 3 lines 13-45; and column 5 line 28 to column 6 line 51).

8. As to claims 2-4, Champagne et al teach that the application characteristic comprises multiple levels; and the flag parameter is introduced in one level or all levels of the application characteristic (column 3 lines 24-45; and columns 6-8).
9. As to claims 5-6, Champagne et al teach that the flag parameter has a meaning defined in a registration document, the flag parameter defines a common flag type parameter such that the presence of the flag parameter indicates that the parameter is used, otherwise, the parameter is omitted (see summary; figure 3; and columns 5-8).
10. As to claims 7-13, they are also rejected for the same reasons set forth to rejecting claims 1-6 above, since claims 7-13 are merely an apparatus for the method of operations defined in the method claims 1-6. Additionally, Champagne et al teach that the device is using telnet/other connections (wireless), which implies that the device is a mobile telephone or a portable device (see abstract; figure 1; and column 3 lines 24-60).
11. As to claims 14-17, claims 14-17 do not teach or define any new limitations than above claims 1-13; therefore, they are rejected for the similar reasons.
12. As to claims 18-21, they are also rejected for the same reasons set forth to rejecting claims 1-6 above, since claims 18-21 is merely a computer program product for the method of operations defined in the method claims 1-6.

Response to Arguments

13. Applicant's arguments with respect to claims 1-21 filed on January 07, 2008 have been fully considered but they are not deemed to be persuasive and moot in view of the new grounds of rejection.

14. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2155

March 19, 2008

